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Filed : May 16, 2001

REMARKS

Claims 1, 4, 7, 10-13, 16, 20-22, 24-28, 30 and 31 have been amended, and Claims 2, 3, 5, 6, 8, 9, 14, 15, 17-19, 23 and 29 remain unchanged by this Amendment. New Claims 32-42 have been added by this Paper. Hence, Claims 1-42 are presented for further examination.

The specific changes to the specification and the amended claims are shown in the above section entitled IN THE CLAIMS. On this set of pages, the insertions are underlined while the ~~deletions are stricken through~~.

In the Office Action mailed May 12, 2004, Claims 20 and 30 were rejected under 35 U.S.C. § 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 20 and 30 have been amended by this Paper to provide language which does have the appropriate antecedent basis. Accordingly, Applicants respectfully submit that the basis for rejection of Claims 20 and 30 under 35 U.S.C. § 112, ¶ 2, has been overcome, and respectfully requests that this rejection be withdrawn.

In the Office Action, Claims 1, 5-6, 9 and 13-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mendenhall (U.S. Patent No. 6,590,685).

With respect to Claim 1, the Examiner indicated that Mendenhall teaches, among other things, a position determination device such as at 50, Figs. 3, 4 and 60, 96, Fig. 4. The Examiner also indicated that Mendenhall teaches a tiltmeter, such as at 310, Fig. 7. With respect to the position determination device, Applicants note that at column 5, lines 34-38, Mendenhall states:

“[F]ine track mechanism 60 is used to simultaneously direct the center points 100 and 84 of the fields of view of the acquisition sensor 96 and track sensor 80 and transmit beam 17 toward the estimated position of the opposing terminal . . . as determined by acquisition sensor 96.” (Emphasis added).

Furthermore, at column 4, lines 10-19, Mendenhall describes the optic subassembly 50 as including components which divide the optical path into a transmit path, and indicates that a

“track/receive beam splitter 74 diverts about 10% of the beam in receive path 70 to a track sensor path 76. The portion of the beam in path 76 is focused by focusing optics 78 (including one or more lens) on a track sensor 80.”

Thus, Applicants submit that Mendenhall teaches use of devices such as subassembly 50, fine track mechanism 60 and acquisition sensor 96 for tracking beams and estimating positions of

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opposing terminals, not for determining position of an element such as Applicants' node. Furthermore, Mendenhall defines element 310 as a "track loop" which "tracks the angular position of an opposing terminal . . . to maintain coupling of the received optical energy into the receive fiber 93 . . .". (Mendenhall, column 8, lines 1-3, emphasis added). These and other references make it clear that the indicated sections of Mendenhall are directed to the tracking of beams, with respect to estimated position of opposing terminals. In fact, in the Office Action the Examiner has stated that "it would have been obvious to a person of ordinary skill in the art at the time of the invention that an optical assembly, such as the optic assembly 50 of Mendenhall, comprises of a base mount to receive the position determination device and the tiltmeter in order to provide the approximate positioning information of the opposing terminal, . . .".

In contrast, Claim 1 provides, among other things, "a base mount configured to be removably attached to a position determination device and a tiltmeter for determining position of the node." Applicants respectfully submit that there is neither any teaching nor suggestion in Mendenhall regarding such activity with respect to the node itself. Furthermore, there is neither any teaching nor suggestion in Mendenhall as to a base mount configured to be removably attached to a position determination device and a tiltmeter. Accordingly, Applicants respectfully submit that Claim 1 defines subject matter which is patentable over the Mendenhall reference.

With reference to Claim 20, a system is defined including "a position determination device configured to determine the position and bearing of the system for positioning;" and "a tiltmeter, configured to determine the pitch and roll orientation of the system for positioning within the network;". As was discussed above, Mendenhall neither teaches nor suggests such a system for positioning and aligning local components. Instead, Mendenhall teaches devices which track beams and estimate the position of an opposing terminal. Accordingly, Applicants respectfully submit that there is neither any teaching, nor any suggestion in Mendenhall which would have made obvious the invention as defined in Claim 20. Accordingly, Applicants respectfully submit that Claim 20 defines subject matter which is allowable over Mendenhall and requests that this rejection be withdrawn. Furthermore, Applicants submit that those claims which continue to depend from Claims 1 or 20 also define subject matter which is patentable over the Mendenhall reference, and Applicants therefore request that the rejection of those claims, based upon Mendenhall, be withdrawn.

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In the Office Action, the Examiner rejected Claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Mendenhall in view of Lee et al. (U.S. Patent No. 5,405,347). In response, Applicant submits that since Claims 2 and 3 each depend from independent Claim 1, for the reasons discussed above, Claims 2 and 3 continue to define subject matter which is patentable over the art of record. Accordingly, Applicants respectfully request that this rejection of dependent Claims 2 and 3 be withdrawn.

In the Office Action, Claims 1 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mayeaux (U.S. Patent No. 5,390,040). Among other things, the Examiner stated that “Mayeaux teaches a node for use in a wireless telecommunication network ... comprising: a base mount ...”. The examiner then defines the base mount as “the base mount that actuators 12 and steering mirror assembly is connected thereto ... configured to removably receive a position determination device . . .”. However, there is no base mount disclosed in column 4, lines 1-3. To the extent that there may be a base mount upon which the actuators 12 and steering mirror assembly are connected, there is neither any teaching nor suggestion for such a base mount which is “configured to be removably attached to a position determination device and a tiltmeter for determining position of the node.” Instead, the function of the actuators and steering mirror is defined in column 10, lines 9-11, which indicates that the “steering mirror 10 is oriented by the actuators 12 and turntable assembly 14 to reflect the incoming beam 100 into a telescope along its optical axis.” Applicants respectfully submit that such a device for reflecting beams into a telescope neither teaches nor suggests a node such as defined in Claim 1, including a base mount which is “configured to be removably attached to a position determination device and a tiltmeter for determining position of the node.” (*See, e.g.,* Claim 1).

Further to the above, Applicants submit that Mayeaux neither teaches nor suggests a system as defined in Claim 20, for positioning and aligning a receiver/transmitter pair, which includes “a position determination device configured to determine the position and bearing of the system for positioning” and “a tiltmeter, configured to determine the pitch and roll orientation of the system for positioning within the network.” Certainly, there is also no teaching of a “base mount configured to be removably attached to the position determination device and the tiltmeter.” (*See, e.g.,* Claims 1 and 20). Applicants submit that there is neither any teaching nor suggestion of a base mount as defined by Applicants’ Claim 1 and 20. Furthermore, there is no motivation provided in Mayeaux to configure a base mount in this way.

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The Examiner also stated that the "steering mirror 10 can function as a tiltmeter since the received and transmitted optical signals can be reflected, or tilted, when the mirror is controlled by the actuators 12." Applicants disagree with this characterization, but even if this were so, it is immaterial since the steering mirror 10 is not configured to be removably attached to the base mount. The intent of Mayeaux is clearly to have the mirror in place for operation of the system, not to have it removable. Accordingly, Applicants respectfully submit that Mayeaux neither teaches nor suggests the features as set forth in Claims 1 and 20 of the instant application. Thus, Applicants respectfully submit that Claims 1 and 20 define subject matter which is patentable over Mayeaux and request that the rejection of those claims under 35 U.S.C. § 103(a) be withdrawn.

In the Office Action, the Examiner objected to Claims 4, 7-8, 10-12 and 21-27 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicants have amended Claims 4, 7, 10-12, and 21-27 to place them in independent form, to include the limitations of the base and intervening claims. Applicants note that Claims 25 and 26 define the base mount without reference to the tiltmeter, as Applicants submit that this additional limitation in this claim is unnecessary in view of the art of record. Also, in Claim 27, the base mount is defined with respect to the tiltmeter, but does not include the position determination device, as such limitation is believed to be unnecessary in view of the art of record.

Accordingly, Applicant submits that Claims 4, 7-8, 10-12 and 21-27 now define subject matter which is patentable over the art of record. Applicant, accordingly, respectfully requests that the objection directed to these claims be withdrawn.

In the Office Action, the Examiner indicated that Claims "28-29 and 31 are allowed over the prior art of record." However, Applicants have amended Claim 31 to provide clear antecedent basis for the act of "removing the tiltmeter." Furthermore, Claim 28 has been amended herein to correct a clerical error, such that the term "offsets" has been amended to read "offset." Applicants respectfully submit that the amendments to Claims 28 and 31 are merely clerical in nature and do not change the scope of these claims. Accordingly, Applicants respectfully submit that these claims continue to be allowable over the prior art of record.

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In the Office Action, the Examiner indicated that Claim 30 “would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.” Applicants respectfully submit that Claim 30 has been amended to overcome the rejection under 35 U.S.C. § 112, ¶ 2. However, since Claim 30 depends from Claim 28, which has been indicated as being allowed, Applicants respectfully submit that further amendment of Claim 30 to include additional limitations of the base claim or any intervening claims is unnecessary. Therefore, Applicants submit that Claim 30 is now in condition for allowance.

By this Paper, Applicants have presented new Claims 32-42 which further define patentable features of the invention. Applicants submit that the limitations set forth in new Claims 32-42 define subject matter which is patentable over the art of record. Accordingly, Applicants respectfully request that Claims 32-42 be indicated as allowable.

In view of the foregoing, Applicants respectfully submit that Claims 1-42, as presented herein, define subject matter that is patentable over the art of record. Accordingly, Applicants respectfully submit that Claims 1-42 are now in condition for immediate allowance and such prompt allowance of the same is respectfully requested.

CONCLUSION

The Applicants have endeavored to address all of the concerns of the Examiner in view of the recent Office Action directed to the above-identified application. Accordingly, amendments to the claims, the reasons therefor and arguments in support of the patentability of the pending claims are presented above.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. Any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes for any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

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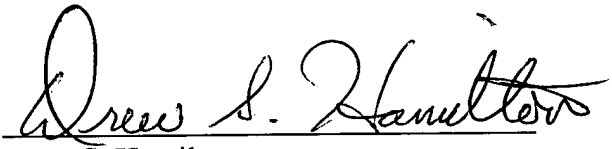
In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested. If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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